

**REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on May 23, 2003 and the references cited therewith. Claims 13, 14, and 20 are currently amended.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 1, 2, 5, 11, 12, 19, and 21 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Schoenecke (U.S. 2,207,898) in view of Moracchini et al. (U.S. 5,747,674). Applicant respectfully submits that the Examiner's statement of rejection suggests that the Examiner intended to reject claims 1, 2, 5, 11, 12, 19, and 21 under 35 U.S.C. § 103 (a) rather than 35 U.S.C. § 102 (b). Applicant will thus proceed under this assumption. In the rejection, the Examiner states that Schoenecke does not explicitly disclose a variable chamber with first and second volumes, wherein a piston selects the first and second volumes. The Examiner further states that Moracchini et al. teaches a device for measuring pressures and temperatures that discloses a chamber with variable volumes (Abstract), wherein a piston selects the first and second volumes (column 4, lines 27-30). The Examiner asserts that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Schoenecke to include variable volumes as taught by Moracchini et al. for the purpose of controlling selective transfers of phases between two chambers. Applicant respectfully traverses the rejection of claims 1, 2, 5, 11, 12, 19, and 21 under 35 U.S.C. § 103 (a).

Claims 3, 4, 6, and 7 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Schoenecke (U.S. 2,207,898) in view of Moracchini et al. (U.S. 5,747,674) as applied to claims 1, 2, and 5 above and further in view of Geiger (U.S. 4,730,789). Claims 8-10 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Schoenecke (U.S. 2,207,898) in view of Moracchini et al. (U.S. 5,747,674) as applied to claim 5 above and further in view of Kluth (U.S. 5,582,064). Applicant respectfully traverses the rejection of claims 3, 4, 6, and 7 and claims 8-10 under 35

U.S.C. § 103 (a).

Claim 1 is directed to a pressure transducer test apparatus that includes a fitting having an input to receive a pressure input and an output to receive a pressure transducer. A valve is attached to the fitting near the input, such that the fitting has a variable pressure chamber with first and second selectable internal volumes between the valve and the output.

Claim 2 depends directly from claim 1 and provides a piston in the fitting, such that movement of the piston selects the first and second volumes.

Claim 5 is directed to a pressure transducer test apparatus that includes a fitting having an input to receive a pressure input and an output coupleable to a pressure transducer. A valve is attached to the fitting near the input. The fitting further has first and second selectable internal volumes between the valve and the output. A piston is provided in the fitting. The piston is remotely movable between first and second positions for selecting the first internal volume at the first position and the second internal volume at the second position.

Applicant carefully reviewed Schoenecke and Moracchini et al. Applicant found no motivation in either Schoenecke or Moracchini et al. for modifying Schoenecke to include first and second selectable internal volumes, as in claims 1 and 5, to include a piston, such that movement of the piston selects first and second volumes, as in claim 2, or to include a piston that is remotely movable between first and second positions for selecting a first internal volume at the first position and a second internal volume at the second position, as in claim 5. MPEP 2144.08 (II)(A) states that the prior art *must* provide some motivation to one of ordinary skill in the art to make the claimed invention to support a conclusion of obviousness. Applicant respectfully submits that the rejection fails to state a proper *prima facie* case of obviousness under 35 U.S.C. § 103(a). Therefore, claims 1, 2, and 5 should be allowed.

Claims 3-4 depend directly or indirectly from claim 1 and thus include patentable limitations of claim 1. Claims 6-10 depend directly or indirectly from claim 5 and thus include patentable limitations of claim 5. Therefore, claims 3-4 and claims 6-10 should

be allowed.

Claim 11 is directed to a method of in situ testing a pressure transducer that includes changing the internal volume of a fitting to a second internal volume to change the internal pressure to a second internal pressure and measuring the second internal pressure in the fitting using the pressure transducer. Claim 19 is directed to a method of in situ testing a pressure transducer that includes measuring a series of first internal pressures in a fitting at a first volume of the fitting using the pressure transducer and measuring a series of second internal pressures in the fitting at a second volume of the fitting using the pressure transducer.

Applicant found no motivation in either Schoenecke or Moracchini et al. for modifying Schoenecke to include changing the internal volume of a fitting to a second internal volume to change the internal pressure to a second internal pressure and measuring the second internal pressure in the fitting using the pressure transducer, as in claim 11. Applicant found no motivation in either Schoenecke or Moracchini et al. for modifying Schoenecke to include measuring a series of first internal pressures in a fitting at a first volume of the fitting using the pressure transducer and measuring a series of second internal pressures in the fitting at a second volume of the fitting using the pressure transducer, as in claim 19. MPEP 2144.08 (II)(A) states that the prior art *must* provide some motivation to one of ordinary skill in the art to make the claimed invention to support a conclusion of obviousness. Applicant respectfully submits that the rejection fails to state a proper *prima facie* case of obviousness under 35 U.S.C. § 103(a). Therefore, claims 11 and 19 should be allowed.

Claim 12 depends directly from claim 11 and thus includes patentable limitations of claim 11. Claim 21 depends directly from claim 19 and thus includes patentable limitations of claim 19. Therefore, claims 12 and 21 should be allowed.

#### **Allowable Subject Matter**

Claims 13-15 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner

for indicating that claims 13-15 and 20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13 and 14 originally depended directly from claim 11 and have been rewritten to include the limitations of claim 11 and are thus allowable. Claim 15 has not been rewritten. Applicant respectfully submits that claim 15 depends directly from claim 14 and thus includes patentable limitations of claim 14. Therefore claim 15 should be allowed. Claim 20 originally depended directly from claim 19 and has been rewritten to include the limitations of claim 19 and is thus allowable.

**CONCLUSION**

Claims 13, 14, and 20 are currently amended. In view of the above remarks, Applicant respectfully submits that the claims are in condition for allowance and requests reconsideration of the application and allowance of claims.

The Examiner is invited to contact Applicant's Representatives at direct dial (321) 867-7214 if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Date: June 10, 2003

Respectfully submitted,

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**CERTIFICATE OF MAILING**

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Assistant Commissioner for Patents, Washington, DC 20231" on the date below.

Date: 6/10/2003

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